

COMMISSION ACTION FORM

DATE PREPARED: August 31, 2012

REQUEST: Approval of the Preliminary Plat for a Major Subdivision
(Deery Subdivision)

MEETING DATE: September 5, 2012

PROPERTY OWNER: Pyle Land LLC
Attention: Dennis Pyle
PO Box 763
Ames, Iowa 50010

LOCATION: 1400, 1500, 1598 and 1698 SE 16th Street
(See Attachment A)

LAND USE POLICY PLAN: Highway-Oriented Commercial

ZONING: “HOC” (Highway-Oriented Commercial)
“O-GSE” (Southeast Entryway Gateway Overlay District)

BACKGROUND:

Project Description. This is a proposal to replat four existing parcels, including “Parcel E”, which is currently in two parts, “Parcel G” and “Parcel H” into Lots 1, 2 and 3 and Outlot A (reserved for floodway). The purpose of replatting the existing parcels into new lots is to form Deery Subdivision (see attachment) to accommodate the development of an automobile dealership on proposed Lot 1 and to establish Lots 2 and 3 for future commercial development.

The land use and zoning will continue to be Highway-Oriented Commercial, with the “O-GSE” overlay designation for the Southeast Entryway Gateway Overlay District. The developer has separately submitted a Minor Site Development Plan for the development of an automobile dealership on proposed Lot 1. This site plan can be approved by City staff once the City Council approves the Final Plat for Deery Subdivision.

Use and Designation of Surrounding Properties. The proposed subdivision is bordered on the north by S.E. 16th Street with undeveloped land zoned as “HOC” abutting the north side of the street, the Skunk River flood plain to the west, the U.S. Highway 30 on-ramp to the south, and South Dayton Avenue to the east with undeveloped “HOC” land abutting the east side of the street.

Applicable Law. Laws pertinent to the proposal are described on Attachment B.

Zoning Standards. The proposed subdivision includes 24.02 acres of land divided into four lots. Lot 1 includes 6.37 acres, Lot 2 has 2.77 acres, Lot 3 is 3.34 acres, and Outlot A, which is reserved for floodway includes 11.10 acres. There is no minimum lot area required for lots in the HOC zone. Each of Lots 1, 2 and 3 has over 200 feet of frontage on S.E. 16th Street. These figures exceed the minimum lot frontage set forth in Table 29.804(3) in the Ames Municipal Code

Utilities, Easements, and Sidewalks. Public improvements available to serve the proposed subdivision are described as follows:

Water. An 8-inch water main exists in the S.E. 16th Street right-of-way abutting the north boundary of the subdivision.

Sanitary Sewer. An 8-inch sanitary sewer main exists in the S.E. 16th Street right-of-way abutting the north boundary of the subdivision.

Storm Sewer. The storm water plan for the subdivision includes a network of underground pipes to convey the storm water for discharge to a detention basin on the west end of the site. The Public Works Department has reviewed the proposed storm water management plan for the subdivision and found it to be in conformance with City standards.

Prior to action by the City Council on the Preliminary Plat, it is necessary that an agreement be prepared for a floating storm water drainage easement whereby the current owner and any future owner of Lot 2 agree to provide storm sewer easements as needed for conveyance of storm water from Lot 3 across Lot 2, prior to the time of site plan approval for Lot 2. The current owner and any future owner of Lot 2 would also agree, if Lot 3 is developed before Lot 2, to provide storm sewer easements as needed for conveyance of storm water from Lot 3 across Lot 2.

Electric. The City of Ames will provide electric service to the subdivision from the S.E. 16th Street right-of-way, and via public utility easements (10 feet wide) following the lot line between proposed Lots 1 and 2.

Public Sidewalk. A public sidewalk, 5 feet wide, will be constructed in the S.E. 16th Street right-of-way next to the north boundary of the subdivision. The sidewalk will extend across the entire lot frontage for all three of the developable lots (Lots 1, 2 & 3). No sidewalk is proposed along the street frontage for Outlot A. ***To approve the Preliminary Plat, the Developer's request for a waiver from the requirement to extend sidewalk along the frontage of Outlot A will require City Council approval. Without granting of the waiver for sidewalk, the Developer will be required to construct sidewalk along the entire frontage of Deery Subdivision along S.E. 16th Street.***

Sidewalks are required along each side of any street within commercially zoned areas. A multi-use path, 8 feet wide, exists on the north side of S.E. 16th Street and extends the entire distance between Dayton Avenue and Duff Avenue. Therefore, once sidewalk is installed for the entire frontage of Deery subdivision, or if a waiver is granted by the City Council for a portion of the required sidewalk, this requirement will be satisfied.

Standard procedures in the subdivision code for sidewalks require installation of sidewalks prior to final plat approval unless the Council approves deferral of installation subject to the provision of financial security. Standard *practice* has been to defer sidewalk installation under the provisions of a developer's agreement that requires sidewalk installation prior to occupancy of each fronting lot. That allows for construction activity to occur between the lot and fronting street without damage to newly installed sidewalks. The City Council will have to determine, as part of its Preliminary Plat decision, if installation will be required prior to Final Plat approval, or if it should be deferred under either a financial guarantee or occupancy provision in the developer's agreement.

FINDINGS OF FACT:

Staff makes the following findings of facts:

1. The site of the proposed Deery Preliminary Plat is designated as "Highway-Oriented Commercial" on the Land Use Policy Plan Map.
2. The applicant is proposing a commercial subdivision with three buildable lots that have frontage on S.E. 16th Street and one outlot, reserved for floodway. The property is zoned as "HOC" (Highway-Oriented Commercial). The Preliminary Plat for Deery Subdivision shows that the three buildable lots have frontages that exceed 200 feet for each lot. The minimum standard for lot frontage in "HOC" zone is fifty feet.

3. The proposed subdivision will require easements for storm water drainage, prior to approval of site plans for each lot.
4. Sidewalk is not proposed along the entire frontage of the proposed subdivision along S.E. 16th Street.

CONCLUSIONS:

Based upon the findings of fact, as described above, staff has the following conclusions:

1. The proposed subdivision will facilitate uses consistent with the Land Use Policy Plan and the associated Land Use Policy Plan map designation of the site. Staff is not aware of any other inconsistencies with the Land Use Policy Plan; therefore, staff concludes that *Code of Iowa* Chapter 354, Section 8 has been satisfied.
2. The proposed subdivision complies with the minimum frontage standards of the *Ames Municipal Code*, Section 29.804(3).
3. The proposed subdivision will meet the relevant and applicable design standards in Section 23.302(6)(a) of the *Municipal Code*, provided an agreement for a floating storm water drainage easement from Lot 3 across Lot 2 is approved by the City Council, prior to approval of the Preliminary Plat; provided the City Council grants the request for waiver of the requirement for sidewalk along the frontage of proposed "Outlot A"; and, provided easements for all public utilities identified on the plat are included as part of the Final Plat approval for Deery Subdivision.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the Preliminary Plat for Deery Subdivision, as illustrated on Attachment B, based upon the findings of facts and conclusions in this report, conditioned on:
 - a) The preparation of easement documents for all public utilities in the proposed subdivision, for submittal with the Final Plat.
 - b) The preparation and approval of an agreement, prior to approval of the Preliminary Plat, for a floating storm water drainage easement for conveyance of storm water from Lot 3 across Lot 2 at the time of approval of a Minor Site Development Plan for either Lot 2, or Lot 3, whichever develops first.
 - c) Approval of a request for a waiver from the requirement for construction of a sidewalk on the south side of the right-of-way for S.E. 16th Street next to proposed "Outlot A", as specified in Section 23.403(14)(a) of the *Municipal Code*, **prior to approval of the Preliminary Plat for Deery Subdivision.**

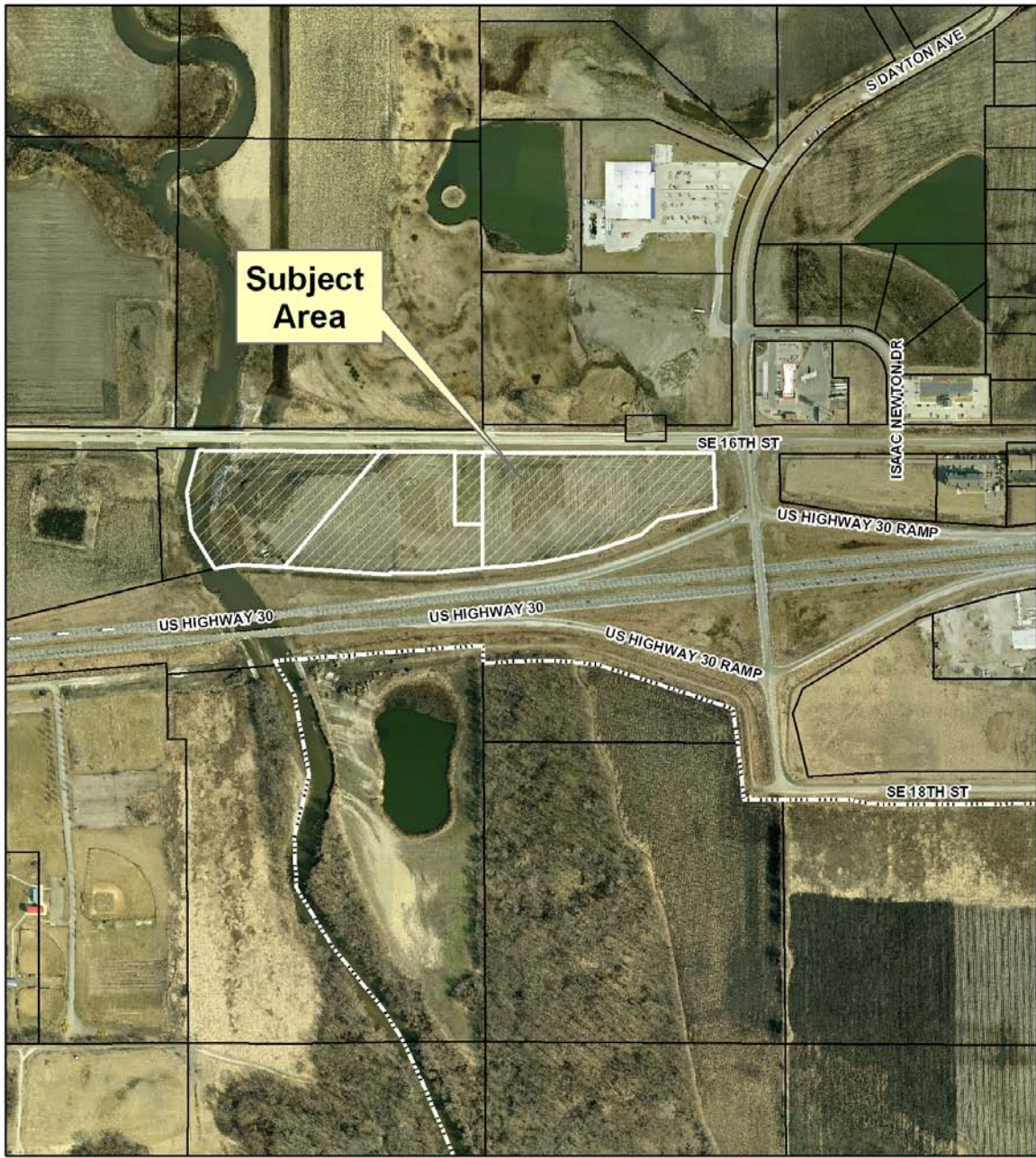
2. If the Planning and Zoning Commission finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the Planning and Zoning Commission may recommend that the City Council deny the Preliminary Plat for Deery Subdivision.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information to be provided at a Planning and Zoning Commission meeting before October 5, 2012.

DEPARTMENT RECOMMENDATION:

Based upon the Findings of Fact and Conclusions above, it is the recommendation of the Department of Planning and Housing that the Planning and Zoning Commission act in accordance with Alternative No. 1, which is to recommend approval of the Preliminary Plat for Deery Subdivision, conditioned on:

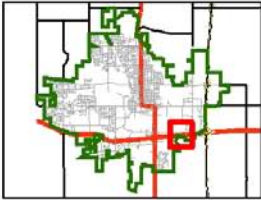
- a) The preparation of easement documents for all public utilities in the proposed subdivision for submittal with the Final Plat.
- b) The preparation and approval of an agreement, prior to approval of the Preliminary Plat, for a floating storm water drainage easement for conveyance of storm water from Lot 3 across Lot 2 at the time of approval of a Minor Site Development Plan for either Lot 2, or Lot 3, whichever develops first.
- c) Approval of a request for a waiver from the requirement for construction of a sidewalk on the south side of the right-of-way for S.E. 16th Street next to proposed "Outlot A", as specified in Section 23.403(14)(a) of the *Municipal Code*, **prior to approval of the Preliminary Plat for Deery Subdivision.**

ATTACHMENT A
Location Map



Location Map

1400 - 1698 S.E. 16th Street



ATTACHMENT B

Applicable Law

The laws applicable to this case file include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted Plans.*

Ames Municipal Code Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.302(5):

- (5) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

Ames Municipal Code Section 23.302(6):

(6) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Section 23.403(14) & (15) requires installation of sidewalks and walkways and bikeways in subdivisions.

Ames Municipal Code Chapter 29, Zoning, Section 29.1202, includes standards for the Suburban Residential zone.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(5)-2 includes Residential Medium Density (FS-RM) Supplemental Development Standards.

Ames Municipal Code Chapter 29, Zoning, Table 29.1202(6) includes Suburban Residential Floating Zone Suburban Regulations.

Ames Municipal Code Section 23.107 reads as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) Land Use Policy Plan*
- (2) Zoning Ordinance*
- (3) Historic Preservation Ordinance*
- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.